

Fresno, California

March 16, 2004

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Chief Assistant City Attorney Sanchez
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

City Manager Hobbs gave the invocation, and President Castillo led the Pledge of Allegiance to the Flag.

PROCLAMATION OF BIG BROTHERS AND BIG SISTERS DAY - BOWL FOR KIDS SAKE - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF AMERICAN RED CROSS MONTH - MAYOR AUTRY

PROCLAMATION OF CLUB ONE CELEBRITY POKER TOURNAMENT DAY - COUNCILMEMBER DAGES

PRESENTATION OF FRESNO AREA EXPRESS DRIVER APPRECIATION AWARDS FOR THE 3RD AND 4TH QUARTERS -
PRESIDENT CASTILLO

The above proclamations and awards were read and presented.

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APPROVE MINUTES OF MARCH 9, 2004

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of March 9, 2004, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

FRESNO MASS MURDER - COUNCILMEMBER DUNCAN

Councilmember Duncan spoke to the tragedy that occurred on March 12th and stated the crime scene had become a tourist attraction which was very disturbing, and stated the neighborhood needed to be protected and advised he would be asking the city manager and agency director at the next meeting to look into and report back on purchasing the property to turn it into a pocket park and added Mayor Autry was 100% in support of doing this. Councilmember Sterling commended the police department, Chief Dyer and Mayor Autry for their work and professionalism in such trying situation, stated nine young people slipped through the system and gave her commitment to follow up on the tragedy and take care of those less fortunate through programs to insure this does not happen again, advised a block party would be held for the neighborhood they are loved and the community cares, and also commended the media for their handling and reporting of the crime with dignity and respect.

ENCOURAGEMENT/INVITATION TO ALL TO PARTICIPATE IN THE TREE FRESNO-SPONSORED "RUN THROUGH THE TREES"
EVENT ON MARCH 20, 2004 - COUNCILMEMBER CALHOUN

Invitation extended.

FRESNO MASS MURDER - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated the tragedy was a devastating event that hit home and affected all Council districts, spoke to how he took city officials to the Cambridge Avenue home due to code violations and to the process and time taken to address the issue, and expressed his frustration with how the Wesson family went through the system and lived at both the Cambridge and Hammond Avenues homes as long as they did with the violations and stated a more pro-active approach was needed to mitigate those kinds of violations. City Manager Hobbs added the tragedy was horrific but stressed that was not who Fresno was and commended Chief Dyer.

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APPROVE AGENDA:

(1-G) APPROVE THE HITACHI CREDIT AMERICA CORP. FINANCING AGREEMENT

1. RESOLUTION - 75TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$948,500 FOR THE UPGRADE OF THE PEOPLESFT FINANCIAL SOFTWARE

Removed from the agenda by staff.

(11:15 A.M.) DIRECTION REGARDING LOCAL OPTIONS TO ADDRESS STATE EFFORTS TO PASS STATE DEFICIT ONTO CITIES

Removed from the agenda and rescheduled for March 30, 2004.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

Gloria Torrez stated consent items were not routine and needed to be addressed individually; and spoke in opposition to **Item 1-D** stating she was told by a city employee there was a danger and this was a safety issue, FAX dollars going elsewhere needed to stop, and improved transit services were needed and elaborated.

Barbara Hunt, 2475 S. Walnut, spoke in support of Items **1-A** and **1-C**; spoke to various issues relative to Item **1-D**; and spoke in opposition to Items **1-E (2 - 0)**, **1-H** and **1-G**.

(1-A) AUTHORIZE THE LEASE PURCHASE OF FORTY (40) REPLACEMENT POLICE PATROL SEDANS USING THE CITY'S MASTER LEASE AGREEMENT

(1-C) APPROVE AN ADMINISTRATION AGREEMENT WITH MUNIFINANCIAL TO PROVIDE REQUIRED SERVICES IN CONNECTION WITH CITY BONDS AND ASSESSMENT DISTRICTS

(1-E) RESOLUTION NO. 2004-94 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES, PROPERTY LOCATED ON THE SOUTHWESTERLY SIDE OF "O" STREET BETWEEN VENTURA AND SANTA CLARA STREETS

(1-F) ADOPT RESOLUTION OF INTENTION NO. 1034-D SETTING A HEARING FOR APRIL 13, 2004, AT 10:15 A.M. TO CONSIDER THE VACATION OF A PORTION OF THE BROADWAY-"H" ALLEY BETWEEN AMADOR AND SACRAMENTO STREETS

Councilmember Boyajian commended the Assemi Family/Granville Homes on their proposed commercial/residential project and questioned the time line of the project, with Jeff Roberts, representing Granville Homes, responding. Acting President Perea also commended Granville Homes for their vision and stated a lot of his friends want to live downtown and advised they were very happy to hear about this opportunity.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(2-A) BILL NO. B-19 - ORDINANCE NO. 2004-31- AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE ENFORCEMENT AND COST RECOVERY PROVISIONS OF THE MANAGEMENT OF REAL PROPERTY ORDINANCE

Briefly reviewed by City Manager Hobbs who stated this would allow for enforcement of certain public nuisances, give staff more latitude to get the job done, and allow for the recovery of the costs incurred in abating nuisances.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Acting President Perea spoke in support of the ordinance and questioned if this would address the problems associated with the Penny Candy building, how Penny Candy issue could be made a priority, and if a joint letter from himself, the city attorney's office and code enforcement could be sent to Penny Candy, with Chief Assistant City Attorney Sanchez and Code Enforcement Manager Villa responding. Discussion and questions ensued on technicality issues and the need to close gaps for better enforcement, and development/remodeling projects that are started and then stop causing blight. Code enforcement and city attorney staff was directed to look at the technical issue of buildings used for storage and starting/stopping construction leaving buildings in blighted conditions and report back in one month. Councilmember Sterling spoke briefly to the problems of toxic waste clean-up and boarded-up homes in her district and clarified this ordinance would allow code enforcement and the police department to work together to address problems for a healthier city.

On motion of Acting President Perea, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the above entitled Ordinance No. 2004-31 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(2-B) BILL NO. B-20 - ORDINANCE NO. 2004-32 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO REFERENCES TO THE GAMBLING CONTROL ACT UNDER THE CITY'S CARD ROOM ORDINANCE

Chief Assistant City Attorney Sanchez gave a brief overview stating this amendment would bring the city's ordinance into compliance with State law (as requested by the State) in that the term "gaming registration" would be changed to "gaming control".

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled Ordinance No. 2004-32 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

(3-A) REQUEST FOR STAFF UPDATE AND GIVE DIRECTION ON THE APPRENTICESHIP PROGRAM - COUNCILMEMBER DAGES

Councilmember Dages expressed his frustration that direction was given to staff last September to prepare a policy and return to Council in 60 days. City Manager Hobbs gave a status report on the issue and stated staff felt the issue could be linked to the Regional Jobs Initiative (RJI) and explained. Councilmember Dages reiterated his frustration, clarified what the intent was, and spoke to the need to create a construction working force. Mr. Hobbs and Assistant Public Works Director Elam responded and clarified issues relative to the City's current policy and to how the RJI appeared to be the appropriate vehicle to expand the apprenticeship capacity and establish an effective, strong City program. Councilmember Dages stressed direction was given to prepare a policy, stated he still wanted to do that, and made a motion to direct staff to return in 60 days with a report on establishing an apprenticeship program.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Lengthy discussion ensued. Councilmember Calhoun advised he ministered a program in Wisconsin and concurred with Mr. Elam that apprenticeship programs were very complicated; stated he was not quite sure what the issue/problem was here; concurred everyone would like to see more apprentices but stated the question was how to accomplish that; advised he would not support a policy calling for apprentices on every city contract/project stating that was an impossibility; and reiterated this was a difficult issue, stated staff was doing its due-diligence, and suggested staff lay out all the issues and challenges in a report so Council can made an intelligent decision. Councilmember Sterling spoke to her work on the RJI Job Readiness Program and the findings at length; stated her support for the motion and stressed something needed to be put in place to help alleviate the unemployment problem and allow people to buy homes; and stated she did not like the idea of report after report stating reports were already out there and again stressed aggressive steps needed to be taken. Councilmember Duncan stated he disagreed with Councilmember Dages and he felt this entire discussion was dangerous; stressed the private sector worked itself very well and he was opposed to the City making demands; spoke to the shortages of nurses and questioned if demands would be made on that industry also; and stated the City had no business engaging in this discussion and it was Council's job to run an effective city government at the best cost and not mandate things.

(3 - 0) On motion of Councilmember Dages, seconded Councilmember Sterling, duly carried, RESOLVED, staff directed to report back in 60 days with a report on establishing an apprenticeship program, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Castillo
 Noes : Duncan
 Absent : None

Visiting students from Windsor Academy were recognized and welcomed.

(9:30 A.M.) BILL NO. B-32 - ADDING ARTICLE 6 TO CHAPTER 3 OF THE FRESNO MUNICIPAL CODE RELATING TO REGULATING COMMUNICATIONS WITH THE MAYOR AND COUNCILMEMBERS DURING COMPETITIVE CONTRACTING PROCESS - COUNCILMEMBER DAGES

Councilmember Dages commended Assistant City Attorney Avila for all his time and energy spent on preparing the ordinance; gave an overview of the issue stating this ordinance would keep the process above the board and it would not prohibit the public from contacting the Mayor and Council and explained; and urged Council's support and stated he was trying to get public confidence back into the system; spoke to those who had input into development of the ordinance and those who supported it; and stressed this was about good business, clarified it would not jeopardize First Amendment rights, and made a motion to introduce the ordinance.

Barbara Hunt, 2475 S. Walnut, spoke in support.

City Attorney Montoy stated this was a unique ordinance, advised a lot of legal research, collaboration and analysis went into developing it, and concurred there was a serious concern with First Amendment rights but clarified the ordinance would protect those rights and at sometime procure public confidence. Upon question of Councilmember Boyajian, Councilmember Dages stated this ordinance was a start and broadening it to include lobbyists could be looked at in the future.

Lengthy discussion ensued. Councilmember Perea advised he supported the ordinance but with a heavy heart; stated it was too bad the city was at a point in history where Council had to regulate themselves; stated Council needed to conduct themselves in a positive manner and added the ordinance would only be as good as Council acts; and questioned if Fresno had a "bad boy law" which prohibits companies convicted of a crime from bidding, with Ms. Montoy responding and speaking to the disbarment process currently in place. Councilmember Duncan presented questions and commented on issues relative to whether the ordinance addressed the Chamber of Commerce's letter dated March 16th containing two suggestions to improve the ordinance, a copy of which is on file in the office of the City Clerk, if the ordinance would be put on City's website, the time line for Council receipt of items and if Council could receive material one week earlier, and need to be aware of who all the players were and inform elected officials of who the rules apply to, with Ms. Montoy, City Manager Hobbs and Mr. Sanchez responding throughout. Councilmember Calhoun stated he thought new ground was *not* being broken, noted the staff report stated no one else had done this and further commented on the issue, questioned why Fresno was going this far and if new ground was being broken here, expressed concern that Fresno was "taking a heavy hammer to hit the gnat" and with the perception that this ordinance was needed because Council was so suspect and needed a hammer to punish themselves, with Ms. Montoy, City Manager Hobbs and Mr. Sanchez responding throughout. Councilmember Calhoun stated he would reluctantly support the ordinance and advised he would bring the issue back in one year to see how it was working, to see if Council overreacted, and to discuss/evaluate the ordinance for any modification.

Speaking to the issue were: Kathy Bray, Chairman of the Board, Greater Fresno Area Chamber of Commerce, who stated the Chamber had some of the same concerns as Councilmember Calhoun relative to being heavy-handed, advised they were comfortable with the ordinance after talking with staff, and spoke in support of reviewing the ordinance in one year; and Eric Johnson, SBC, Chamber of Commerce Board Member, who spoke in support of the Chamber's letter and establishing a policy versus an ordinance, thanked the city for allowing the input of the community/businesses, and expressed concern with broadening the ordinance stating this ordinance was developed/worked on in a specific path.

Mr. Hobbs stated this had been a good collaborative experience, the city attorney's office did an exceptional job, and this was a good government move and a step in the right direction as problems had been encountered with all six of the concerns laid out on Page 2 of the staff report.

President Castillo spoke to the issue/presented questions at length relative to the debarment process, reasons for debarring a company, sanctions for those who talk with councilmembers, numerous questions relative to improper communications and consequences **(4 - 0)**, concern with lack of sanctions for Council since the supposed reason for the ordinance was because "Council could not behave", intent for open dialog in the RFP process, Fresno County's policy, establishing an enforcement agency, and attaching sanctions with contract value. President Castillo stated he also felt it was unfortunate it had come to this and he supported revisiting the ordinance in one year.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-32 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

RECESS - 11:05 A.M. - 11:15 A.M. Councilmembers Calhoun and Sterling arrived later.

(10:00 A.M. #1) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 67, FINAL TRACT MAP NO. 5067

- 1. RESOLUTION NO. 2004-95 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2004-96 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2004-97 - DECLARING ELECTION RESULTS**

4. BILL NO. B-33 - ORDINANCE NO. 2004-33 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

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President Castillo announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirm reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, questioned why the developer was not present.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-95, 2004-96 and 2004-97 hereby adopted, and the above entitled Bill No. B-33 adopted as Ordinance No. 2004-33, by the following vote:

Ayes : Boyajian, Dages, Duncan, Perea, Castillo
Noes : None
Absent : Calhoun, Sterling

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**(10:00 A.M. #2) HEARING ON THE 2004 WEED ABATEMENT PROGRAM
(CONTINUE TO 10:30 A.M.)**

Continued as noted.

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(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-03-09 AND ENVIRONMENTAL FINDINGS, FILED BY DIRK POESCHEL LAND DEVELOPMENT, FOR APPROXIMATELY 3/4 LINEAL MILE ALONG THE S. MINNEWAWA AVENUE ALIGNMENT FROM E. BUTLER TO FRANCHER CREEK IN COUNCIL DISTRICT 5

- 1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-03-09**
- 2. RESOLUTION NO. 2004-98 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN FOR THE DELETION OF THE MULTI-PURPOSE TRAIL DESIGNATION**

President Castillo announced the time had arrived to consider the issue and opened the hearing. City Attorney Montoy recused herself from the proceedings stating she owned property near the project and left the meeting at 11:19 a.m. Planner Gerster reviewed the issue as contained in the staff report as submitted and recommended approval. Councilmembers Calhoun and Sterling arrived at 11:19 a.m.

Speaking to the issue were: Joe Guagliardo, representing the applicant, who stated he concurred with staff's recommendation and reviewed the project and related issues at length, displaying a map and written material on the overhead to illustrate; Barbara Hunt, 2475 S. Walnut, who spoke to jurisdictional issues; Gerald Minke, 2232 S. Minnewawa, nearby property owner, opposed; and Tom Richards, 4110 E. Clinton Way, who spoke in support of trails and positive southeast growth.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Dages thanked the developer for the project stating it would enhance the area and made a motion to approve staff's recommendation. Councilmember Calhoun stated trails were planned for a reason and presented questions relative to how/why the subject trail was designated, if the trail was being removed for the developer and people, if horses would still be allowed even though the equestrian portion was being eliminated, how staff was going to insure the developer would mitigate other issues, and the developer's agreement to participate financially in some manner and if that could be made a condition of approval, with Planning & Development Director Yovino, Chief Assistant City Attorney Sanchez and Planning Manager Unruh responding. Upon question, Councilmember Dages stated he would not modify his motion to include the Sunnyside Property Owners Association's recommendation (to require the developer to set aside funds to improve an alternative segment of the trail elsewhere within the Sunnyside Property Owners boundary--Jensen to Kings Canyon and Peach to Temperance).

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, Environmental Assessment No. A-03-09, dated January 21, 2004, resulting in a Mitigated Negative Declaration hereby approved, and the above entitled Resolution No. 2004-98 hereby adopted as follows: (1) deleting the multi-purpose trail designation along the S. Minnewawa Avenue alignment between E.

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Butler and E. California Avenue alignment, (2) deleting the equestrian component of the multi-purpose trail designation and retaining the bicycle and pedestrian components of the multi-purpose trail along the S. Minnewawa Avenue alignment between E. California Avenue alignment and Francher Creek, and (3) an alternative surface material shall be considered upon construction of the bicycle and pedestrian elements along the S. Minnewawa Avenue alignment from the California Avenue alignment to Fancher Creek, by the following vote:

Ayes : Dages, Duncan, Perea, Sterling
Noes : Boyajian, Calhoun, Castillo
Absent : None

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(10:30 A.M.) CONTINUED HEARING ON THE 2004 WEED ABATEMENT PROGRAM

1. RESOLUTION NO. 2004-99 - ADOPTING THE 2004 WEED ABATEMENT PROGRAM AND DECLARING THAT DRY GRASS, WEEDS, TRASH AND DEBRIS ON VACANT LOTS AND LOTS WITH VACANT STRUCTURES POSE A SIGNIFICANT FIRE HAZARD IN THE CITY OF FRESNO

President Castillo announced the time had arrived to consider the issue and opened the hearing. Code Enforcement Manager Villa reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in opposition stating code enforcement had too much authority.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2004-99 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(3-B) REQUEST STAFF TO RESEARCH THE AFFECTS OF AMENDING SECTION 12-905 OF THE FRESNO MUNICIPAL CODE TO ALLOW CONDOMINIUM CONVERSIONS TO BE CONSIDERED ON A DAILY BASIS RATHER THAN SEMI-ANNUALLY - COUNCILMEMBER BOYAJIAN (*Amended to consider applications more frequently than semi-annually)

Councilmember Boyajian stated a couple of the reasons the Housing Task Force was established was to be business friendly and to be able to leverage funds with what banks were doing, and **(5 - 0)** spoke to the importance of helping people who want to do infill housing and convert condominiums due to the small, unknown mirror of time with interest rates and stated the city needed to jump on opportunities and explained, and urged Council's support.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Councilmember Sterling thanked Councilmember Boyajian for bringing the issue forward and noted she also served on the task force and stated this was an opportunity for tenants to become property owners and was a creative idea. A motion and second was made to approve the request.

Councilmember Calhoun stated no one questioned condo conversions but he felt this was an issue of process and noted a systematic

process was in place, stated he did not know why special consideration was being given here and questioned if this would change the system, and stated Council should not rush to judgment and suggested general direction be given to staff to look at the process and ways to possibly improve it, with Planning & Development Director Yovino responding. Councilmember Boyajian clarified this had nothing to do with tenants rights as State law was involved; advised he had been told by developers the twice a year process put a burden on them; stated he agreed with Councilmember Sterling on the need to encourage home ownership with the interest rates being as low as they currently were; and stated the word “daily” in his request should be replaced with “more than twice a year”. Councilmember Calhoun spoke briefly to the trimester program for plan amendments and questioned why this was different, with Mr. Yovino stating staff would look at all options and report back.

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On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to research the affects of amending Section 12-905 of the Fresno Municipal Code to allow condominium conversions to be considered more frequently than twice a year, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(3-C) PROHIBIT PARKING FUND RESOURCES FROM BEING USED FOR THE PUBLIC RELATIONS PROGRAM FOR THE FRESNO GRIZZLIES; DIRECT STAFF THAT IF THIS PROGRAM IS FUNDED BY TAXPAYERS DOLLARS FROM ANY SOURCE THAT PROGRAM COMPONENTS THAT ARE USED OR DISPLAYED SHALL FOLLOW ALL APPLICABLE CITY CODES AND ORDINANCES - COUNCILMEMBER DUNCAN

Councilmember Duncan clarified this dealt only with the source of funding and had nothing to do with the marketing program, stated the city went through a lot to get the parking program to where it was now and stated there were other sources to use for the downtown marketing program, stated if the door is opened on this one there will be others lined up asking for assistance, and made two motions to (1) prohibit parking fund resources from being used for the public relations program for the Grizzlies, and (2) if another funding source is found all applicable city codes and ordinances will be followed, which motions were seconded and later acted upon.

Councilmember Boyajian stated he felt a modification was needed on the second motion as the stadium needed to be marketed, suggested the sign ordinance be modified around the stadium because there was uniqueness here and people needed to be encouraged to come downtown, and spoke in support and to the need to look at doing different things. Transportation Manager Madewell explained staff's position at length and summarized since the Grizzlies bring people downtown staff felt it would be good and appropriate to help them, and advised public relations had become a part of the budget and that needed to be looked at. Councilmember Duncan reiterated his concern was the source of funding and he did not want the parking resources used, and stated although he agreed with Councilmember Boyajian on the need to do different things he felt an example had to be set. Councilmember Calhoun stated Councilmember Duncan was correct on both issues and spoke briefly to the Downtown Implementation Committee possibly raising funds for these types of things stating that was the direction to go, with Assistant City Manager Souza responding. Mr. Madewell responded to questions of Councilmember Boyajian relative to whether staff was supportive of using parking resources because the public relations program would bring people downtown, if the impetus was to increase parking downtown, and if the city attorney felt staff's position was reasonable, with Ms. Montoy stating the expenditure was reasonable and legally permissible and explained.

Barbara Hunt, 2485 S. Walnut, spoke to the issue.

Councilmember Calhoun stated he disagreed with the city attorney as the promotional effort was promotional for the Grizzlies, stated staff should have asked Council about this proposal beforehand, and clarified everyone wanted to promote the Grizzlies but the question was how. President Castillo questioned if an analysis had been conducted on what the return would be on the city's \$25,000 and if SMG had been approached for the funds, with Mr. Madewell and Mr. Souza responding. City Manager Hobbs stated staff's attitude was a million dollar attitude and was great.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, parking fund resources prohibited from being used for the public relations program for the Fresno Grizzlies, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Castillo
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Noes : Boyajian
Absent : None

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, all applicable city codes and ordinances shall be followed if the Fresno Grizzlies public relations program (including program components used or displayed) is funded by taxpayers dollars, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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LUNCH RECESS - 12:33 P.M.- 2:04 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1-D) REJECT ALL BIDS FOR DESIGN, BUILD AND MAINTAIN A COMPRESSED NATURAL GAS FUELING FACILITY

Councilmember Calhoun stated there was a long history to this issue, he was disappointed upon seeing another delay, he did not know how vehicles were currently being fueled, he was concerned a better cost would not be received if the project was rebid, and questioned if these issues should be addressed before rejecting bids again and questioned what the alternative was, with General Services Director Nerland responding and clarifying issues **(6 - 0)**. Councilmember Calhoun, along with Councilmember Boyajian, presented additional questions relative to potential costs, how buses were being fueled, the bid time line and when the fueling facility would become operational, what assurance there was that decent or better bids would be received, how exceptions would be dealt with, if these bidders were the same ones that responded to the first bid notice, what was changed from the first time, if goals were changed mid-stream, if staff learned where to be more efficient in construction of the facility, and if there was a loss to the city with no fueling facility in place, with Transit General Manager Rudd and Mr. Nerland responding.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the two lowest bidders, Weston Solutions, Inc., of Sherman Oaks, CA, and Honover Compression L.P. of Broken Arrow, OK, hereby declared to be non-responsive, and all bids rejected and staff directed to rebid the project, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY GLORIA TORREZ REGARDING OPPOSITION TO ITEM 1-D AND NATURAL GAS, SUPPORT FOR CLEAN AIR DIESEL FUEL, SUPPORT FOR BIO-FACILITY/BIO-FUEL, AND NEED FOR IMPROVED TRANSIT SERVICES/INCREASED FREQUENCIES

Appearance made; no action taken.

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. AMALGAMATED TRANSIT UNION (ATU) LOCAL 1027
2. FRESNO CITY EMPLOYEES' ASSOCIATION (FCEA)
3. FRESNO POLICE OFFICERS' ASSOCIATION (FPOA MANAGEMENT UNIT)
4. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF MANAGEMENT)

5. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF NON-MANAGEMENT) LOCAL 753
6. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39
7. CITY OF FRESNO PROFESSIONAL EMPLOYEES' ASSOCIATION (CFPEA)
8. CITY OF FRESNO MANAGEMENT EMPLOYEES' ASSOCIATION (CFMEA)
9. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)

The City Council met in closed session in Room 2125 at the hour of 2:25 p.m. to consider the above issues and reconvened in regular open session at 3:48 p.m.

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(2:45 P.M.) WORKSHOP RELATING TO SURFACE TRANSPORTATION OVERVIEW

Transit General Manager Rudd gave a PowerPoint presentation which included Federal funding, State Transportation funding, local funding (Measure "C"), key regional surface transportation initiatives, and local surface transportation air quality initiatives, all as contained in the staff report as submitted.

Gloria Torrez spoke to the need for improved public transportation, connections, and the poor air quality and lack of action in addressing the problem, and stated better transportation services needed to be provided or people would not get out of their cars.

Lengthy discussion ensued. Mr. Rudd and City Manager Hobbs responded at length to questions and/or comments of Councilmembers Calhoun and Duncan relative to the various Measure "C" committees, if city staff was involved in the committees, why the Board of Supervisors convened a group, the importance of Measure "C", status on the hiring of the Airports Director and duties of that position, when Measure "C" would expire, what it will take for the voters to understand the importance/need for Measure "C" and that 2 out of 3 votes are needed for approval, if people will move from cars to transit, light rail disasters in other cities and impacts on other forms of transportation, Fresno having one of the most under-served bus systems **(7 - 0)**, light rail not what people want and need to get back to basics like roads and bus systems, impact if Measure "C" were to end tomorrow, and gas taxes and the city's share. Councilmember Boyajian stated he did not have the doom and gloom as others did, spoke to the improvements he has seen, stated the bus system was working the best it could and was not subsidized, stated taking the bus was another question, the system was improving and not regressing, Fresno was not San Francisco and BART was a tremendous system and elaborated, stated he had hope for Measure "C" as people were now sitting down and the collaboration was there, stated voters are more sophisticated than what most people think they are, and presented questions relative to whether more lighting was being installed at bus stops, if a trolley system/circular pattern from downtown to the Tower District was on the radar screen, cost for grade separations versus rail consolidation, and rail consolidation and high speed rail issues, with Mr. Rudd and Transportation Manager Madewell responding.

Public Works Director Ruiz advised significant transportation initiatives were currently on the table and would be forthcoming in the next few months and staff would be asking for policy discussions, and stated Mr. Rudd and Mr. Madewell were good people to work on the issue as they were very knowledgeable, very pro-active and committed, and demonstrated exceptional leadership in the transportation community.

Relative to Measure "C", Councilmember Calhoun stated it was doomed to failure unless a major shift in thinking occurred and stated it needed to be tied to jobs and the Regional Jobs Initiative and explained. Mr. Rudd and Mr. Madewell responded to questions of President Castillo relative to whether a post-election analysis was conducted on why the last Measure "C" failed, how the public was being educated/how the next campaign was being promoted, if there had been adequate funding for the last educational campaign, and who would be taking the lead on the funding needed to adequately promote Measure "C". There was no further discussion.

RECESS - 4:54 P.M. - 5:05 P.M.

(5:00 P.M.) HEARING ON REZONE APPLICATION NO. R-03-37, AND ENVIRONMENTAL FINDINGS, FILED BY JEFFREY WALL, PROPERTY LOCATED ON THE WEST SIDE OF N. WINERY BETWEEN E. CLINTON AND E. HARVARD AVENUES IN COUNCIL DISTRICT 4

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-37/TPM-2003-13, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)
2. **BILL NO. B-34 - ORDINANCE NO. 2004-34** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SITE FROM R-1-AH TO R-1

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Bernal reviewed the issue at length, all as contained in the staff report as submitted, and recommended approval.

Dirk Poeschel, 923 Van Ness, on behalf of developer David Dyck and property owner/applicant Jeffrey Wall, gave an in-depth overview of the property, the project, and related issues at length, displaying renderings of the proposed homes and photographs of existing area homes to illustrate **(8 - 0)**, and requested Council's support.

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Speaking in opposition to the issue were: Michael Frick, 4864 E. Harvard; Ted Petters, 2542 N. Chestnut; Christine Frick, 4864 E. Harvard; John Garabedian, 4855 E. Harvard; Joyce Quinn, 4847 E. Harvard; Fong Yang, 4514 E. Grant; Coleen Hoskins, 4893 E. Harvard; Melanie Garabedian, 4855 E. Harvard; Bob Hoopes, 4847 E. Brown; Need Moua-Yang, 4514 E. Grant; Ted Garay, 4874 E. Harvard; and John Hoskins, 4893 E. Harvard.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Extensive discussion ensued. Planning & Development Director Yovino, Ms. Yang, Mr. Poeschel, City Attorney Montoy, Mr. Frick, Planning Manager Haro, Ms. Frick and Mr. Dyck responded to questions and/or comments of Councilmembers Duncan, Boyajian, Dages, Sterling and Calhoun relative to whether legal noticing requirements were followed, if the proposal was consistent with the general plan, concern with a speaker's comments about the developer/developer representatives lobbying council members, purchase price of Ms. Yang's property, average value of existing area homes, number of homes being proposed and orientation of those homes, **(9 - 0)** property to be annexed, lots that will remain in the county and retain the rural atmosphere, average appraisal of existing homes, size of the proposed lots and homes, number of homes per lot residents are asking for, if the pictures displayed by Mr. Poeschel were actual homes in the area, if the property for the new homes was the only property that would annexed, if the developer considered building larger, more expensive homes, if the developer was willing to consider building 6 homes instead of 8, need to be sensitive to the neighborhood, the planning commission's denial of the application and if they understood the general plan requirement for infill housing, and Council approval of the project sending the planning commission a message.

Upon question of Councilmember Sterling, City Attorney Montoy stated a motion for approval conditioned upon limiting the number of homes to six was permissible and added if the project becomes feasible would be the next question. Brief discussion ensued. Councilmember Sterling made a motion to approve staff's recommendation with a condition to limit the number of homes to six, which motion died for a lack of a second. A motion and second was made to approve staff's recommendation.

Mr. Poeschel responded briefly to questions of President Castillo relative to the average number of homes per acre and meetings with the neighborhood and if there had been any "give" from the developer with respect residents' desires. Referencing public comments President Castillo stated nothing put Council off more than insinuations of backroom deals, advised he had concerns on both sides of the issue, i.e. residents buying into neighborhoods for specific reasons and the general plan requirement for in-fill development, and stated he saw no light at the end of the tunnel as residents would not negotiate for anything more than one home.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-03-37/TPM-2003-13, dated June 24, 2003, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR No. 10130 hereby approved, and the above entitled Bill No. B-34 rezoning the project site from R-1-AH (County, Single Family Residential/Horses) to R-1(Single Family Residential) adopted as Ordinance No. 2004-34, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan
Noes	:	Perea, Sterling, Castillo
Absent	:	None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:43 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the ____30th____day of ____March_____, 2004.

Brad Castillo, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk